

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER

MAY 07 2004

OFFICIAL

550 West C Street
Suite 1200
San Diego CA 92101
Tel 619-235-8550
Fax 619-235-0176
www.kmob.com**FACSIMILE TRANSMITTAL SHEET****CONFIRMATION COPY WILL FOLLOW VIA:**

- | | |
|--|--|
| <input type="checkbox"/> MAIL | <input checked="" type="checkbox"/> WILL NOT FOLLOW |
| <input type="checkbox"/> INTERNATIONAL AIRMAIL | <input type="checkbox"/> HAND DELIVERY |
| <input type="checkbox"/> COURIER | <input type="checkbox"/> WITH ENCLOSURES |
| <input type="checkbox"/> E-MAIL | <input type="checkbox"/> WITHOUT ENCLOSURES |

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Examiner Robert L. Nasser, Group Art Unit 3736, Fax No. 1 (703) 872-9306 the USPTO on the date shown below:

May 7, 2004

Rose M. Thiessen, Reg. No. 40,202

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: EXAMINER NASSER
FIRM: USPTO
FACSIMILE NO.: 1 703-872-9306
OUR REF.: DEXCOM.008DV1
APPL. NO.: 09/447,227
FROM: Rose M. Thiessen
OPERATOR: Brooke Thompson
DATE: May 7, 2004

NO. OF PAGES: 10 (incl. cover sheet)

RECEIVED
NOV - 1 2004
OIPE/JCWS

IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY
OPERATOR PHONE NO.: (619) 235-8550 FACSIMILE NO.: (619) 235-0176

MESSAGE: Please file accordingly. Thank you very much.

S:\DOCS\RMT\RMT-3849.DOC

050504

Orange County
949.760.1111San Francisco
415.054.1111Los Angeles
213.554.2400Riverside
951.784.0334San Luis Obispo
805.547.5500

MAY 07 2004

DEXCOM.008DV1

OFFICIAL

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shults, et al.
Appl. No. : 09/447,227
Filed : November 22, 1999
For : DEVICE AND METHOD FOR
DETERMINING ANALYTE
LEVELS
Examiner : Nasser, R.
Group Art Unit : 3736

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
marked attachments are being transmitted via
facsimile to the USPTO Central Fax No. (703)
872-9306 on the date shown below:

May 7, 2004

(Date)

Rose M. Thiessen, Reg. No. 40,202

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached hereto is a Supplemental Information Disclosure Statements submitted in the above-referenced application on December 21, 2001. Our file does not include an initialed copy of the form PTO-1449. Applicants respectfully request a copy of the initialed form to complete our file.


Respectfull / submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

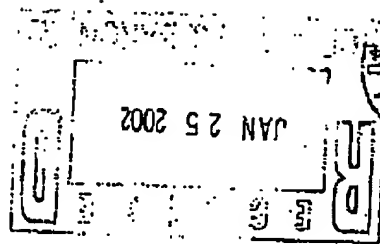
5/7/04

By:



Rose M. Thiessen
Registration No. 40,202
Attorney of Record
Customer No. 20,995
(619) 235-8550

S:\DOCS\SRMT\TRMT-3850.DOC
050504



HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, N.Y. 11791

11791+4493

Applicant(s): Shults et al.

Application No.: 09/447,227

Filing Date: November 22, 1999

Title: DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS

Examiner: Robert L. Nasser **Art Unit:** 3736

Attorney Docket: 1146-4 DIV

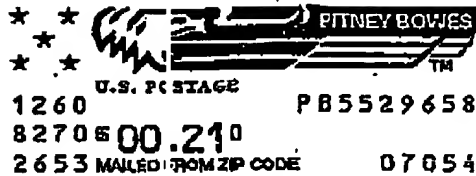
Certificate of Mailing Dated: December 21, 2001

The U. S. Patent and Trademark Office date stamp will acknowledge receipt of the following:

- (X) Supplemental Information Disclosure Statement Under 37 C.F.R. §1.97(c)
- (X) Check for \$180.00
- (X) Form PTO-1449
- (X) Copies of listed references



RM/R/jls (0007)



HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, N.Y. 11791

Applicant(s): Shults et al.

Application No.: 09/447,227

Filing Date: November 22, 1999

Title: DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS

Examiner: Robert L. Nasser **Art Unit:** 3736

Attorney Docket: 1146-4 DIV

Certificate of Mailing Dated: December 21, 2001

The U. S. Patent and Trademark Office date stamp will acknowledge receipt of the following:

- (X) Supplemental Information Disclosure Statement Under 37 C.F.R. §1.97(e)
- (X) Check for \$180.00
- (X) Form PTO-1449
- (X) Copies of listed references

RMR/ljs (0007)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Shults et al. Examiner: Robert L. Nasser
Serial No.: 09/447,227 Group Art Unit: 3736
Filed: November 22, 1999 Docket: 1146-4 DIV
For: DEVICE AND METHOD Dated: December 21, 2001
FOR DETERMINING
ANALYTE LEVELS

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail,
postpaid, in an envelope addressed to: Commissioner
for Patents, Washington, D.C. 20231, on

Date: December 21, 2001

Signature: Linda J. Scheurle
Linda J. Scheurle

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(c)

Sir:

In fulfillment of the requirements of candor and good faith set forth in 37 C.F.R.
§1.56, submitted herewith is the following Information Disclosure Statement in accordance
with the provisions of 37 C.F.R. §§1.97 and 1.98.

As this Supplemental Information Disclosure Statement is being mailed after receipt
of the first Office Action on the merits, but before a Final Rejection, it is believed to be timely
with the required fee of \$180.00, which is submitted herewith. Please charge any deficiencies
or credit any overpayment to Deposit Account No. 08-2461.

11/08/2004 CNGUYEN 00000008 082461 09447227

01 FC:1806 180.00 DA

Page 2

I. U.S. PATENTS

<u>Patent No.</u>	<u>Inventor(s)</u>	<u>Title</u>	<u>Issued</u>
4,759,828	Young et al.	Glucose Electrode and Method of Determining Glucose	07/26/88
4,890,620	Gough	Two-Dimensional Diffusion Glucose Substrate Sensing Electrode	01/02/90
5,165,407	Wilson et al.	Implantable Glucose Sensor	11/24/92
5,322,063	Allen et al.	Hydrophilic Polyurethane Membranes for Electrochemical Glucose Sensors	06/21/94
5,390,671	Lord et al.	Transcutaneous Sensor Insertion Set	02/21/95
5,391,250	Cheney, II et al.	Method of Fabricating Thin Film Sensors	02/21/95
5,771,060	Van Antwerp	Silicon-Containing Biocompatible Membranes	07/07/98
5,882,494	Van Antwerp	Polyurethane/Polyurea Compositions Containing Silicone for Biosensor Membranes	03/16/99
6,309,351	Kurnik et al.	Methods for Monitoring a Physiological Analyte	10/30/01
6,329,161	Heller et al.	Subcutaneous Glucose Electrode	12/11/01

II. FOREIGN PUBLICATIONS

<u>Publication No.</u>	<u>Inventor(s)</u>	<u>Title</u>	<u>Published</u>
WO 93/19701	Brauker et al.	Angiogenic Tissue Implant Systems and Methods	10/14/93

Copies of each of the documents cited herein are also enclosed. The above listed patents are also listed on Applicant's PTO-1449 form which is attached to this Information Disclosure Statement for the convenience of the Examiner.

Page 3

Should the Examiner have any questions regarding this submission, please contact undersigned counsel at the telephone number listed below.


Respectfully submitted,



Robert M. Rodrick
Registration No. 27,086
Attorney for Applicant(s)

RMR:ljs

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700

HOFFMANN & BARON LLP ATTORNEY BUSINESS ACCOUNT 1085 PARSONS BLVD. PARSONS, NJ 07054		DATE <u>12/21/01</u> 05-233/212	
PAY TO THE ORDER OF <u>Commissioner of Patents</u>		\$ 180.00	
<u>One Hundred Eighty and 00/100</u>		DOLLARS	
 CHASE The Chase Manhattan Bank 100 Parkway Road Parsons, NJ 07054		FOR <u>09/443,227</u> <u>1146-4010</u> <u>IDS fee</u>	
0101741 *021202337*6013004137*		<u>Kathleen J. Sandbrook</u>	